

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

2/27/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CV 03-00385SOM-LEK

CASE NAME: Wayne Berry vs. HI Express Service, Inc., et al.

ATTYS FOR PLA: Timothy Hogan  
Wesley Ichida

ATTYS FOR DEFT: Michael Baumann  
Damian Capozzola  
Lex Smith  
Lyle Hosoda  
Raina Mead

INTERPRETER:

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JUDGE: Susan Oki Mollway

REPORTER: Steve Platt

DATE: 2/27/2006

TIME: 9:05 - 10:05

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COURT ACTION: EP:

Defendant PCT's Motion in Limine to Exclude Thomas Uyeno;

Plaintiff's Motion in Limine to Exclude Testimony of Jeffrey Kinrich and Evidence of and Any Reference to the Opinions Contained in the Second Supplemental Expert Report of Jeffrey Kinrich (Plaintiff's No. 1);

Plaintiff's Motion in Limine to Exclude Any Testimony of Martin Walker (Plaintiff's No. 2);

Plaintiff's Motion for Reconsideration or in the Alternative Rule 60(b) Relief for Fraud - Arguments.

Plaintiff's Motion for Reconsideration or in the Alternative Rule 60(b) Relief for Fraud - Denied. Court to prepare the order.

Plaintiff's Motion in Limine to Exclude Testimony of Jeffrey Kinrich and Evidence of and Any Reference to the Opinions Contained in the Second Supplemental Expert Report of Jeffrey Kinrich (Plaintiff's No. 1) - Denied.

Plaintiff's Motion in Limine to Exclude Any Testimony of Martin Walker (Plaintiff's No. 2) - Denied. Mr. Capozzola to give Mr. Hogan a copy of the CD.

Defendant PCT's Motion in Limine to Exclude Thomas Uyeno - Granted in part and Denied in part. Granted to the extent the Court will limit Mr. Uyeno's testimony to what is in his supplemental report and denied in all other respects.

Discussion held re: scheduling:

Opening statements to begin @ 9:00 a.m. 2/28/06.

Wednesday 3/1/06 no lunch break - end @ 1:30 p.m.

Jury instructions to be resolved tentatively Thursday evening March 2.

Submitted by: Toni Fujinaga, Courtroom Manager.